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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,489	02/25/2004	Valoris L. Forsyth	3029-159	7300

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PITNEY, HARDIN, KIPP & SZUCH LLP  
685 Third Avenue  
New York, NY 20017-4024

EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/787,489

Applicant(s)

FORSYTH, VALORIS L.

Examiner

Jimmy G Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1, 2, 5 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada (5,725,100). In the reference of Yamada, there is provided a base 1 and a cylindrical wall/extrusive portion 11 extending therefrom, which portion includes a segmented cylindrical wall portion forming slots/regions 11a therein. A definition of the wall 11 as being cylindrical is not adverse to Applicant's usage of the term since Applicant describes several segments as being cylindrical. The regions 11a may reasonable defined as slots since the term "slot" is broad enough to mean "groove" and since the regions 11a are grooves.

Additionally, there is provided a lid 2 which engages the base and which with the base confines a space capable of holding semiconductor wafers 10.

Within the slots 11a and extending within the containment area of the base are the spacer elements/holders 3.

Regarding claim 10 which calls for arcuate shielding walls, the limitation in claim 10 insofar as claimed does not appear to distinguish over the cylindrical wall segments of Yamada.

3) Claims 1, 2 and 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chen (5,611,448). In the reference of Chen, there is provided

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a base at 310,340, a base cylindrical wall at 30, slots at 330,330,330, and a lid at 40. The lid also includes a cylindrical wall which will fit immediately outwardly of the base cylindrical without contacting it.

Within the slots are spacer elements at 510 (called "slots" by the reference). The elements 510 may be called spacer elements since they function to space the wafers away from the upper rim of the container base.

The notches 3310 may be considered to partly define gaps. With respect to the circumferential direction, said gaps may be considered to be larger than the slots which are not at the gaps, and such a feature is considered to meet what Applicant has claimed insofar as claimed.

4) Claims 1, 2, 4, 5, 11, 12 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lin et al (5,553,711). In the reference of Lin et al, there is provided a base at 16 and a lid at enclosure member 20. The lid and base include an engaging means at 24,28 for retaining the lid closed on the base.

The base has thereon a cylindrical body 18 that includes slots at 12-14. Within the slots are provided radially extending flaps which extend from a central portion 32 of a retainer element 30. The retainer element and the flaps function to space the contained wafers from the interior surface of the lid, as the lid presses down in the retainer element. Accordingly the flaps 32 may be considered to define space elements, insofar as claimed.

The cylindrical body includes a set of arcuate members 15, with a thin layer 60 resilient material on the interior surfaces, extending perpendicularly from the base. Insofar as claimed, the arcuate members 15 may be considered to define an outer wall, and the resilient layer on the arcuate member may be considered to define an inner wall.

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The lid includes a cylindrical wall 26, which may be defined as fitting immediately outwardly of the base cylindrical outer wall without actually contacting the outer surface of the outer wall.

5) The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada above in view of Connors et al (6,193,090). The reference of Connors et al at 90,92 suggests that the base of a wafer container may be provided with a slot and the lid of the container may be provided with an engaging means for engaging the slot, for the purpose of latching the lid closed on the base. Accordingly, it would have been obvious in view of Connors et al to have provided the base 1 Yamada with a slot and the lid 2 of Yamada with an engaging means for engaging said slot, for the purpose of latching the lid closed on the base.

7) Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada above in view of Lin et al (5,366,079). Although from reading the reference of Yamada it is likely that the wall of the lid 2 is cylindrical, as the wall 11 is cylindrical, the reference does not appear to expressly

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describe the lid wall as being cylindrical. However, the reference of Lin et al at 26 suggests that a lid wall which surrounds a cylindrical wall (15) of a base of a wafer container may itself be cylindrical in shape. It is apparent that it is desirable to have this conformity in shape to permit the lid to be fastened on the base by engagement of the interior of the lid wall with the exterior of the base wall. Accordingly, it would have been obvious in view of this teaching to have made the wall of the lid 2 of Yamada cylindrical in shape.

8) Claims 3 and 11-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen above in view of Lewis et al (6,341,695). The reference of Lewis et al at 14,16 and description structure and function thereof, suggests that the slotted cylindrical wall of a wafer base may be made with concentric inner and outer walls (14,16) and with a gap therebetween, wherein the inner wall provides for wafer containment and the outer wall provides protection against direct transmission of forces to the wafers (col. 4, lines 63-67). Accordingly, it would have been obvious in view of in view of Lewis et al to have provided the cylindrical wall of Chen with inner and outer concentric walls.

Additionally, the reference of Lewis et al at 64,66,68 suggests providing prongs 64,66 on the base of a wafer container for engaging slots 68 in the upper portion/lid for fastening a wafer container closed. Accordingly, it would have been further obvious in view of Lewis et al to have provided the base of Chen with a prongs and the lid of Chen with slots which receive the prongs, for the purpose of fastening the container of Chen closed.

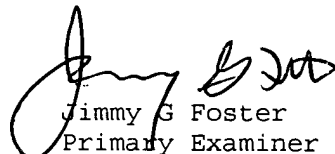
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9) Claims 7-9 and 17-20 are objected to as being dependent on a rejected claim, but would be allowable if amended to include all of the limitations of the base claim and any intervening claim.

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (571) 272-4554. The examiner can normally be reached on Mon-Fri, 8:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
Jimmy G Foster  
Primary Examiner  
Art Unit 3728

JGF  
17 February 2005